

**Board of Game and Inland Fisheries
Meeting Minutes
4000 West Broad Street
Richmond, Virginia 23230**

August 18, 2009, 9:00am

Present: Charles S. Yates, Chairman, James W. Hazel, Vice-Chairman, Mary Louisa Pollard, Richard E. Railey, Jr., Ward Burton, Sherry Crumley, John W. Montgomery, Jr. Dr. William T. Greer, Jr., Randy Kozuch and F. Scott Reed; **Absent:** Thomas Stroup; Legal Counsel: Mr. Alfred B. Albiston, substituted for Mr. Roger Chaffe; Director: Robert (Bob) W. Duncan; Senior Staff: Matt Koch, Charlie Sledd, Gary Martel, Bob Ellis, Larry Hart, Ray Davis, Colonel Dabney “Dee” Watts, Lee Walker.

The Chairman welcomed everyone and called the meeting to order at 9:00am and also noted for the record that a quorum was present for today’s meeting. A closed session will be held during the meeting today. The Chairman introduced Mr. F. Scott Reed. Mr. Reed represents the 7th Congressional District and it is a pleasure to have him at today’s meeting. Mr. Reed holds a MBA from VCU and a BS in Environmental Engineering with a Minor Environmental Science. Mr. Reed is an Environmental Consultant with Dominion Resources and was appointed by Former Governor Mark Warner to serve as Assistant Secretary of Natural Resources from 2002-2006. Mr. Reed is a life-long conservationist and sportsman who enjoys hunting, fishing, and boating.

Mr. Reed stated it was a pleasure be in attendance this morning and hoped he could add value to the activities of the Board.

The Mission Statement was read for the record by Mr. Richard Railey, Jr. and the Pledge of Allegiance was lead by Peer Group 4 of the Leadership Development Program. The members of Peer Group 4 are: Amy Ewing, Headquarters; Tony Fisher, Region II, David Norris, Region I; Deb VanDuzee, Headquarters.

Recognition of Employees and Others: The Chairman called upon Mr. Bob Duncan for staff recognitions.

The Director called upon Colonel Dabney “Dee” Watts to present a Certificate of Appreciation to Mr. Rick Perry for his 31 years of federal and state wildlife Law Enforcement. Mr. Rick Perry is retiring as USFW Resident Agent in Charge for Region 5 (Virginia, West Virginia and Maryland). RAC Perry began his wildlife law enforcement career in 1978 with DGIF as a game warden assigned to Henrico Count. In 1987, Rick accepted a position with the United States Fish and Wildlife Service as a special agent. He served as a special agent for 14 years before returning to Richmond as Resident Agent in Charge for Region 5 in 2001. Colonel Watts introduced Mr. Perry’s wife Bonnie, Special Agent in Charge Sal Amato, and fellow co-workers. Colonel Watts congratulated him on his accomplishments and wished him well on his retirement.

Mr. Perry thanked everyone and stated the one of the highlights in his career was wearing the uniform of a game warden for the Department of Game and Inland Fisheries.

The Director called upon Charlie Sledd and Mr. Lee Walker to recognize Mr. Bob Swinson who received the 2009 Governor's Transportation Safety Award in the Water Safety category. Following a career in state government, Bob is a wage employee in the Department's Boating Safety Education Program and we are so very pleased to recognize and honor his valuable work with the agency.

Mr. Swinson stated that he had over 50 years of service within the Commonwealth. He stated that those who knew him well know that when he says "It is another day in paradise" that he sincerely means every word. Mr. Swinson said it was a true pleasure to work with everyone and the boating programs continue to grow. Mr. Swinson thanked everyone for the recognition.

The Director presented the Director's Volunteer Service Award to Hunter Education Volunteers who have completed 5,000 hours or more to the program. This year the award was present to Mr. Lester "Danny" Bartee of Region 2 and Mr. Frank Taylor of Region 4. The recipients were presented shotguns from the Virginia Hunter Education Association.

Mr. Duncan thanked the members of Peer Group 4 for their attendance at today's meeting and noted that Mr. Marc Puckett was not in attendance. Mr. Duncan introduced the senior staff members who serve as Executive Mentors for the Leadership Development Program. They are: Gary Martel (Peer Group 1); David Whitehurst (Peer Group 2); Larry Hart (Peer Group 3); Fred Leckie (Peer Group 4); Steve Pike (Peer Group 5); Matt Koch (Peer Group 6); Lee Walker (Peer Group 7) and Becky Gwynn (Peer Group 8).

The Chairman congratulated everyone on their accomplishments and thanked them for their service and dedication to the Agency.

Public Comments – Non-Agenda Items: The Chairman called for comments on non-agenda items and called attention to the 3 and 5 minute rule – three minutes for individual comments and five minutes for those representing an organization or group.

Mr. Gregg Brown, Vienna, Virginia, who represented the Suburban Whitetail Management of Northern Virginia, spoke regarding the introduction of Suburban Whitetail Management which is a non-profit organization.

Mr. Hazel indicated to Mr. Brown that he was the Board Representative for the 11th Congressional District for Fairfax and would be more than willing to assist him with any request he may have regarding this project.

Mr. Duncan stated Mr. Brown and Suburban Whitetail Management had assisted the Agency on projects and looks forward to working with him in the future.

Ms. Jenny West, Norge, Virginia, who represents the Wildlife Foundation of Virginia, spoke regarding the Short Hills Project. On behalf of the Wildlife Foundation, Ms. West thanked the Board, Director and Staff for their assistance in completing Phase I of this project.

Mr. Bobby Woolfolk, Bumpass, Virginia, requested to speak following the presentation of the Waterfowl Seasons and Bag Limits – Staff Recommendations.

The Chairman thanked everyone for their remarks and attendance at today's meeting.

Approval of July 14, 2009 Meeting Minutes: The Chairman stated the minutes of the July 14, 2009 meeting have been distributed for review and posted to the Web Site. He called for discussion and approval of the July 14, 2009 meeting minutes. **Mr. Montgomery made the following motion: Mr. Chairman, I hereby move the minutes be adopted as presented. Motion Seconded by Dr Greer. Ayes: Yates, Hazel, Kozuch, Railey, Crumley, Burton, Pollard, Reed, Greer and Montgomery**

2009 -2010 Migratory Waterfowl Seasons & Bag Limits: The Chairman called upon Mr. Duncan and the Wildlife Staff for this presentation. Mr. Ellis gave the following presentation:

Review of Waterfowl Season Frameworks and Staff Recommendations: Mr. Bob Ellis, Wildlife Division Director gave the following presentation:

For all migratory waterfowl, the U. S. Fish and Wildlife Service provide the season bag limit frameworks within which the Department may select certain options. The frameworks and bag limit for the 2000-10 waterfowl seasons are similar to last year with a few exceptions. Most notable changes are in the bag limit for Canvasback, Scaup, and Brant and changes in the frameworks for Canada Geese and Light geese. Canvasback bag limit has gone from a closed season last year to an open season with a 1 bird bag limit for the entire season this year and Scaup going from a split season and bag limit last year to a full 60 day season 2 bird bag limit this year. The Brandt season and bag limit also changed from a 60 days and 3 birds to 50 days and 2 birds. A couple of changes related to goose season frameworks are also proposed for this year which include the zoning of the state into 3 zones instead of 2 zones for Canada geese and the establishment of a light goose (snow goose) Conservation Order Season in the eastern part of the state that will extend the snow goose season to the end of March. Overall duck and goose numbers and habitat conditions in the breeding areas were good to excellent. However a late spring in northern Canada did effect the production of migrant Canada geese.

These changes and the overall status of waterfowl populations and habitat conditions and the Federal waterfowl season frameworks were discussed at a public input meeting held on August 3, 2009 at the department's headquarters. Nineteen individuals attended the public meeting and provided input on their preferences for season and bag limits within the given frameworks. In addition, comments were received by email and phone.

Mr. Ellis noted habitat conditions for the Mid-Continent have improved from 2008. In the Eastern Breeding Areas, weather/habitat conditions were generally more stable than the Prairies; conditions in 2009 were generally favorable; ample precipitation created good habitat conditions although cool temperatures delayed spring in some areas; duck productions are expected to be good to above average and the Migrant Canada goose production expected to be poor.

For Virginia, the mild winter and ample rainfall were favorable for nesting but a cool spring delayed nesting 1-2 weeks. The overall production is expected to be similar to last year which is about average.

Species Restrictions continued for: canvasback, scaup, pintail, back duck, redhead and wood duck.

Ms. Crumley inquired about the Youth Hunting Day this year. Mr. Ellis indicated that the Guidelines for the proposed Youth Day include:

1. States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons.
2. The 2 days must be consecutive hunting days and held outside of any regular duck season on a weekend, holiday, or other non-school days when youth hunters would have the maximum opportunity to participate.
3. The days could be held up to 14 days before or after any regular duck season frameworks or within any split of a regular duck season.
4. The daily bag limit is the same as that allowed in the regular season and Includes ducks, mergansers, coots, moorhens, gallinules, 2 Canada goose and 1 tundra swan (if the youth possesses a tundra swan permit). Flyaway species restrictions remain in effect.
5. Youth hunters must be 15 years of age or younger. Youth 12 years of and older will need a valid Virginia state hunting license.
6. A licensed adult at least 18 years of age or older must accompany the youth hunter into the field. This adult may not duck hunt, but may participated in the other open seasons.

Mr. Ellis indicated work continues with the Flyaway Council to get permission for 2 non consecutive youth hunting days since Virginia does not have Sunday Hunting.

2009 Preliminary Federal Frameworks

Duck Season

Federal Framework:

<u>Outside Dates:</u>	September 26 – January 31
<u>Season Length:</u>	60 days; plus 2 Youth Waterfowl Hunt Days
<u>Bag Limit:</u>	Daily Bag limit of 6 ducks and may include nor more than 4 mallards(only 2 hens), 4 scoters, 3 wood ducks, 2 redheads, 2 scaup, 1 canvasback, 1 black duck, 1 pintail, 1 Motted duck, and 1 fulvous whistling duck, Closed Season on Harlequin duck. The possession limit is twice the daily bag limit.

Split Season Options: 3-way split season, not zones.

Shooting Hours: 1/2 –hour before sunrise until sunset daily.

Staff Recommendations:

Season Dates: October 8-12 (Black Duck closed)
 October 24 (Youth Day)
 November 21 – Dec. 5
 Dec. 12 – Jan. 30

Bag Limit: Daily Bag limit of 5 ducks and may include no more than 4 mallards (only 2 can be hen mallards), 4 scoters, 3 wood ducks, 2 redheads, 2 scaup, 1 pintail, 1 black duck (except closed Oct. 8 – Oct. 12), 1 canvasback, 1 mottled duck, and 1 fulvous whistling duck.

MERGANSERS

Federal Framework:

Option A:

Season Length: 60 days
Outside Dates: September 26 – January 31
Bag Limit: 5 birds daily, only 2 hooded merganser (10 in possession, only 4 hooded mergansers)

Option B:

Mergansers included in the general duck bag (limit on hooded mergansers applies)

Staff Recommendation:

Option A:

Season Dates: To coincide with general duck season
Bag limit: 5 birds daily, of which only 2 birds may be a hooded merganser (10 in possession, only 4 of which may be hooded mergansers)

COOT, GALLINULE & MOORHEN SEASONS

Federal Frameworks:

Coot:

Season Length: 60 hunting days
Outside Date: September 26-January 31
Bag Limit: 15 birds daily (30 in possession).

Gallinule/Moorhen:

Season Length: 70 hunting days
Outside Date: September 26 – January 31
Bag Limit: 15 daily (30 in possession)

Staff Recommendations:

Coot:

Season Dates: To coincide with general duck season

Bag Limit: 15 daily (30 in possession)

Gallinule/Moorhen

Season Dates: To coincide with general duck season

Bag Limit: 15 daily (30 in possession)

SEA DUCK SEASON IN SEA DUCK ZONE*

Sea Ducks – (Scotter, long-tailed duck, and Eider)

Season Length: 107 hunting days

Outside Dates: September 15 – January 31

Bag Limit: 7 birds per day (14 in possession), but may include no more than 4 scoters (8 in possession)

- **Sea Duck Zone:** Those waters at a distance greater than 800 yards from any shore, island or emergent vegetation in the following area: the ocean waters of Virginia, the tidal waters of Northampton and Accomack Counties, and the Chesapeake Bay and each of its tributaries up to the first highway bridge. Back Bay and its tributaries are not included in the Sea Duck Zone.

CANADA GOOSE SEASON

Federal Frameworks:

ATLANTIC POPULATION ZONE:

Season Length: 45 hunting days

Outside Dates: November 15 – January 31

Bag Limit: 2 birds daily (4 in possession)

SOUTHERN JAMES BAY POPULATION ZONE:

Outside Dates and Season Length:

Regular Season: November 15 – January 14 (up to 40 hunting days)

Extended Season: January 15 – February 15

Bag Limit: 3 per day through January 14
5 per day from January 15 to February 15

RESIDENT POPULATION ZONE:

Outside Dates: November 15 – March 10

Season Length: 80 hunting days

Bag Limit: 5 birds daily (10 in possession)

Staff Recommendations:

ATLANTIC POPULATION ZONE: (AP)

Season Dates: November 21 – December 5
December 25 – January 30
Bag Limit: 2 geese per day
Shooting Hours: ½ hour before sunrise until sunset daily

SOUTHERN JAMES BAY POPULATION ZONE (SJBZ)

Season Dates:

Regular Season: November 21 – December 5 3 geese/day
December 15 – January 14 3 geese/day
Extended Season: January 15 – February 13 5 geese/day
Shooting Hours: ½ hour before sunrise until sunset daily

RESIDENT POPULATION ZONE (RP)

Season Dates: November 21 – December 5
December 12 – February 27
Bag Limit: 5 birds daily (10 in possession)
Shooting Hours: ½ hour before sunrise until sunset daily

LIGHT GOOSE SEASON

Federal Framework:

Season Length: 107 hunting days
Outside Dates: October 1 – March 10
Split Season Option: 3-way split season
Bag Limit: 15 birds daily (no possession limit)

Staff Recommendations:

Season Dates: October 8 – January 30
Bag Limit: 15 birds daily (no possession limit)

LIGHT GOOSE CONSERVATION ORDER SEASON

Federal Framework:

Outside Dates:	When no other seasons are open
Bag Limit:	No daily or possession limit
Special Hunting Methods:	Electronic calls, unplugged shotguns and extended shooting hours to one-half hour after sunset only in areas and at times when other waterfowl season are closed.
Special Requirements:	States participating the Conservation Order Season are required to monitor hunter participation, effort, and success.

Staff Recommendation:

Conservation Order Season Zone: The same as AP Canada Goose Zone – The area east of the Stafford/King George County line from the Potomac River south to the Rappahannock River, then west along the Stafford County line to Interstate 95, then south along I-95 to Route 460 in Petersburg, then southeast along Route 460 to Route 32 in the City of Suffolk, then south to the North Carolina border.

Season dates:	February 1 – March 27
Bag Limit:	No daily or possession limit
Special Hunting Methods:	Electronic calls, unplugged shotguns and extended shooting hours to one-half hour after sunset
Special Requirements:	Hunters participating in the Conservation Order Season Must register on line or by phone and obtain a harvest report from and return to report from back to the department within two weeks following the close of the season.

ATLANTIC BRANT

Federal Framework:

Atlantic Brant:

Season Length:	50 hunting days
Outside Dates:	September 26 – January 31
Split Season Option:	2-way split season
Bag Limit:	2 birds daily (4 in possession)

Staff Recommendations:

Atlantic Brant:

Season Dates:	November 21 – November 28 December 12 – January 30
Bag Limit:	2 birds daily (4 in possession)

TUNDRA SWAN

Federal Framework:

Tundra Swan

Season Length:

90 hunting days

Outside Dates:

October 1 – January 31

State agency may issue up to 600 permits in Virginia and must obtain harvest and hunter participation data. Each permittee is authorized to take one (1) tundra swan per season.

Bag Limit:

One per permittee per season.

Staff Recommendations:

Tundra Swan

Season Dates:

December 1 – January 30

Bag Limit:

One per permittee per season

Hunt Area:

All counties and portions of counties lying east of U. S. Route I-95 and south of the Prince William/Stafford County line in Chopawamsic Creek at Quantico Marine Corps Base.

Note: VDGIF will issue no more than 600 swan hunting permits to holders of a valid Virginia hunting license. Only hunters with a valid 2009-2010 tundra swan hunting permit issued by VDGIF shall be authorized to hunt tundra swans. Each permittee will be authorized to take one tundra swan during the season. Swan hunting permits are non transferable and are valid for use only by the person to whom issued. Permits must be in the immediate possession of the permittee while swan-hunting. Immediately at the time and place of kill, successful hunters must cancel their swan-hunting permit by permanently recording the month and day of kill and by attaching it to the swan as instructed on the permit. The VDGIF is required to obtain hunter participation and harvest information to offer this Tundra Swan hunting season. Hunter is required to complete the accompanying tundra swan hunt questionnaire and return to the address listed on the questionnaire at the end of your hunt. Those who fail to return a completed questionnaire by February 15, 2010 are ineligible for future drawings.

FALCONRY

Federal Framework:

Season Length: 107 hawking days
Not to exceed three segments in any extended season outside
The regular season.

Outside Dates: September 1 – March 10

Bag Limit: 3 daily (6 in possession)

Note: Federal Law does not permit Falconry for waterfowl on
Sunday.

Staff Recommendations:

Season Length: 107 hawking days
No combination of falconry and firearms hunting can exceed
107 days for any species.

Bag Limit: 3 daily (6 in possession)

Season Dates: Recommended dates based on adoption of preceding
proposals; if amended, staff requests permission to calculate
permissible dates for each species within the allowable
federal framework.

A brief discussion was held by the Board, the Director and Wildlife staff on the regulations presented.

The Chairman called for public comment.

Mr. Bobby Woolfolk, Bumpass, Virginia, withdrew his request to speak stating he was in full agreement with the 2009-2010 Migratory Waterfowl Seasons and Bag Limits and Falconry Seasons as present by staff.

Hearing no further discussion, The Chairman called for a motion to adopt the 2009-2010 Waterfowl Seasons and Bag Limits and Falconry Seasons as presented by staff. Mr. Montgomery made the following motion: Mr. Chairman, I move that the Board adopt the 2009-2010 Waterfowl Seasons and Bag Limits and the Falconry Seasons as presented by staff and to further authorize staff to modify seasons and bag limits, if necessary, to comply with the established Federal Frameworks. Motion Seconded by Mr. Hazel. Ayes: Yates, Hazel, Kozuch, Railey, Montgomery, Crumley, Burton, Pollard, Reed, Greer.

2009 -2010 Periodic Regulation Review and Amendment Process for Fisheries, Boating and Wildlife Diversity Regulations: The Chairman called upon Mr. Duncan and Mr. Gary Martel for the following presentation:

The cycle for considering and adopting amendments to the fishing, boating and wildlife diversity regulations will take place during 2009 and 2010. Staff from fisheries, wildlife diversity, and boating safety has prepared a recommended process schedule for this amendment cycle and will present this process to the Board for discussion and approval. Mr. Martel presented the following recommendation:

Recommended Schedule for 2010 Fishing, Boating, and Wildlife Diversity Regulation Review and Amendment Process

**** indicates public comment/input opportunity**

September 1 through November 30, 2009 – Scoping period for staff and public Views/input on fishing, boating and wildlife diversity regulation issues;**

First Board Meeting of 2010 (date to be established) – staff presents the regulatory Issues/concepts identified during the scoping period to the Board for its consideration and Modification as desired;**

60 Day Public Comment Period on Regulatory Issues and Concepts; **

Second Regulatory Board Meeting of 2010 Process (96 or more days after first Board Meeting of 2010) – staff presents proposal –stage recommendations and the Board proposes regulation amendments; **

60 Day Public Comment Period on Board-Proposed Regulations – public meetings may be scheduled at appropriate locations depending on subject matter interest;**

Third Regulatory Board Meeting of 2010 Process (96 or more days after second regulatory Board meeting) – staff presents its final recommendations and the Board deliberates and adopts final regulation amendments; **

January 1, 2011 – effective date of Board adopted regulation amendments, unless otherwise specified by the Board.

A brief discussion was held by the Board, Director and staff on possible hot topics during this regulation amendment cycle.

Hearing no further discussion, the Chairman called for a motion to approve the regulation review and amendment process schedule for fishing, boating, and wildlife diversity as recommended by staff. Mr. Hazel made the following motion: Mr. Chairman, I hereby move that the Board adopt the staff recommended schedule for the 2010 fishing, boating, and wildlife diversity regulation amendment process. Motion seconded by Ms. Crumley. Ayes: Yates, Hazel, Kozuch, Railey, Montgomery, Crumley, Burton, Pollard, Reed, Greer.

The Chairman thanked Mr. Martel for his presentation.

Committee Reports: The Chairman called for Committee Reports and noted he would like to call on Mr. Ward Burton of the Wildlife and Boat Committee to present the report from the August 10, 2009 Committee Meeting. Mr. Burton stated the committee reviewed the 2009 -2010 Periodic Regulation Review and Amendment Process for Fisheries, Boating and Wildlife Diversity Regulations and the Waterfowl Season Frameworks and staff recommendations, which were approved by the Board earlier in the meeting. During the meeting, issues regarding the Dick Cross Wildlife Management Area were discussed. Staff continues to work on resolving this issue.

Other business discussed funding for the Quail Plan through grants and non-profit activities, and Trout Unlimited in the Classroom that will soon begin in Halifax County.

Mr. Burton stated the main reason for the Committee Meeting was to further the discussion that members of the Board have expressed an interest in restocking elk in Virginia. The Board is

interested in working with other states that have Elk to implement the Virginia Program and also the economic impact of restocking of elk could have on Virginia. Mr. Burton stated he was a life long member of the Rocky Mountain Elk Foundation and stated Mr. Buddy Smith and members of the Rocky Mountain Elk Foundation are in attendance at the meeting today to show their support. The rationale behind this is the Board of Game and Inland Fisheries upon evaluation and consideration of the current status and management of Rocky Mountain elk (*Cervus elaphus*) in Virginia has directed staff to develop a plan of action for the potential restoration of elk in Southwest Virginia. Depending on the support of Southwest Virginia where there is sufficient land to support elk, the committee would like to present a regulation amendment to prohibit the hunting of Rocky Mountain Elk in Virginia. We would now like to ask Mr. Bob Ellis to come forward and show the Board what that language proposal looks like. Mr. Bob Ellis presented the following regulation amendment:

4VAC15-90-85

Game: Deer. Hunting elk of either sex.

Summary:

The recommendation is to (i) designate that the term elk refers specifically to Rocky Mountain elk (*Cervus elaphus*) and (ii) prohibit the hunting of Rocky Mountain elk in Virginia.

Recommended language of amendment:

- 1 4VAC15-90-85. Game: Deer. Hunting elk of either sex prohibited.
- 2
- 3 Rocky Mountain Elk (*Cervus elaphus*) of either sex may not be taken ~~during the general~~
- 4 ~~firearms deer season (as prescribed by 4VAC15-90-10, 4VAC15-90-20, 4VAC15-90-21, and~~
- 5 ~~4VAC15-90-30), during the special archery seasons (as prescribed by 4VAC15-90-70), and~~
- 6 ~~during the special muzzleloading seasons (as prescribed by 4VAC15-90-80) with bag limits and~~
- 7 ~~checking requirements as prescribed in 4VAC15-90-90, 4VAC15-90-230, and 4VAC15-90-240~~
- 8 ~~in Virginia.~~

Rationale:

The Board of Game and Inland Fisheries upon evaluation and consideration of the current status and management of Rocky Mountain elk (*Cervus elaphus*) in Virginia has directed staff to develop a plan of action for the potential restoration of elk in Southwest Virginia and in the spirit of conservation and species restoration desires a moratorium on the harvesting Rocky Mountain elk within the Commonwealth.

The Chairman called for discussion. Mr. Hazel asked for clarification: If the proposed regulation amendment was advertised would it be brought back to the meeting in October? Mr. Ellis stated the answer is yes and it would be brought back to the Board for their approval. It would go into effect either that day or the next day and Mr. Ellis will follow up. Mr. Hazel wanted to know the number of elk harvested. Mr. Ellis stated over the past years from 2000-2008, 30 elk have been harvested and over the past five years 7 elk have been harvested.

Mr. Montgomery wanted to know if the intent of the regulation amendment was to assist in the restoration of elk. Mr. Ellis stated that through this moratorium the Board is interested in restoring elk in Virginia. Mr. Ellis noted that stopping hunting will not be enough to establish elk. Staff will present a summary of what staff feels is needed in an Operational Elk Restoration Plan during the October Meeting. The Agency Plan will be modeled after states that have successful Elk Restoration Plans. The Elk Operational Restoration Plan would be ready as a draft for the first Board Meeting of 2010.

Dr. Greer encouraged the Board and Staff to move forward with the development of the Elk Plan and supported the Board's efforts.

Mr. Duncan stated in the past that historically he has not supported for various reasons but now wants to go on record in support of Elk Restoration in Virginia and fully supports the Board's initiatives. The approval of the amended regulation today is symbolic that the Agency is serious about Elk Restoration in Virginia. Mr. Duncan indicated he believes there are landowners in Southwest Virginia who have elk on their property and are choosing to protect them. Mr. Duncan stated it was an important message as the agency begins to talk with landowners. The agency position has changed due to the fact that we did not have elk but the fact is that we now have elk calves that are native to Virginia. The numbers are hard to determine because some of the births are occurring in the hollers of Southwest Virginia. It is important for us to do this and we cannot grow an elk herd in the time period using passive management – passive management being that we let the current existing elk just multiply. If we are serious about this program, we will need to stock additional elk. Mr. Duncan stated he felt it was important to go on record in full support of this initiative.

Ms. Crumley stated that in the Wildlife and Boat Committee, the members and staff also addressed the fact that the regulation can't be changed until October and we will be missing the first part of bow season. The Committee and Staff is hoping that with the right kind of press releases and public relations, the public will become aware of the moratorium on killing elk and hope that people will abide by this effort before the regulation amendment is approved by the Board.

The Chairman recognized members of the Rocky Mountain Elk Foundation and thanked them for their attendance at today's meeting. The Chairman recognized Ms. Tinker Frazier, President of the Virginia Chapter, who spoke in favor of the Elk Initiative and looked forward to working with the agency in the future.

The Chairman called for the motion. Ms. Crumley presented the following motion: I hereby move that the Board propose the recommended regulation amendment to prohibit elk hunting in Virginia. Motion Seconded by Mr. Railey. Ayes: Yates, Hazel, Kozuch, Railey, Montgomery, Crumley, Burton, Pollard, Reed, Greer.

The Chairman thanked the Board and staff for their work on this issue.

The Chairman offered a few comments regarding this issue since a lot of this activity is within his Congressional District which borders Kentucky. The Chairman stated that he personally believes that it is a golden opportunity for this Agency to move forward with the reintroduction of elk and to not do it unless there was a really good reason would be a missed opportunity. Other surrounding states have successful elk restocking programs and these states and other partners like the Rocky Mountain Elk Foundation are willing to share their experiences with Virginia. Elk Restoration certainly falls within the Mission Statement of the Agency. The Chairman has spoken with the County Administrators of each locality regarding the restocking issue. The Chairman stated that by the next Board Meeting, he should have responses regarding their position on this issue. The Chairman thanked the Wildlife and Boat Committee and staff for their work on this issue and he believes that this could be a historic day for the Agency and the Commonwealth of Virginia.

The Chairman called upon Mr. Jimmy Hazel for the **Education, Planning and Outreach Report**. Mr. Hazel stated the following meeting dates have been set for Committee Meetings: October 8, 2009 and December 8, 2009. Both meetings will begin at 1:00pm and will be held in the Board Room of the 4000 Building.

The Chairman called upon Mr. Duncan to present the end of the year Financial Report from the **Finance, Audit and Compliance Committee**. Mr. Yates also inquired about the status of the monthly audits of the Small Purchase Charge Cards for the Agency. The Chairman asked the Director and Beth to follow-up on the status. Mr. Duncan presented the end of year report. A discussion was held by the Chairman, Board Members and Mr. Duncan. Mr. Montgomery announced the next Committee meeting will be held on September 22, 2009 at 5:30pm.

Director's Report: The Chairman called upon Mr. Duncan for his director's report. Mr. Duncan reported on the 26th Annual Outdoor Show and thanked the staff for their participation at this event. License sales totaled \$34,000 for this event and 300 new subscribers for the Outdoor Report. Mr. Duncan thanked Mr. Montgomery and Ms. Pollard for their attendance and support of this event as well. Mr. Duncan provided an update on the Lapsed Angler Program and the development of a program to address lapsed licensed hunters. Mr. Duncan noted that the Boy Scout Jamboree has been relocated to West Virginia and the 2013 National Scout Jamboree will not be held in Rockbridge, Virginia. Mr. Duncan provided an update on the Management Study and stated work will begin on the Strategic Plan. A Communication Plan is being developed to implement some of the changes in the Agency. The Management Study has become an interim plan to begin the strategic plan. A strategic planning training session will be held in the fall to begin the new strategic and operations plan in the future.

Mr. Duncan reported that a meeting was held in Abingdon, Virginia to meet with representatives from Tennessee to develop and reestablish a reciprocal fishing license agreement on South Holston Reservoir. Mr. Duncan thanked the staff who attended the meeting with him for the positive outcome of this meeting. This agreement will require regulatory action by the Board and it will most likely require some legislative changes.

Mr. Duncan stated that with Charlie Sledd's stewardship and help, the agency has put together 8 potential legislative proposals for review by the Attorney General's Office. The next step is to submit this information to the Secretary of Natural Resources for his review. These items are Governor's Confidential Working Papers so the agency is limited in what can be discussed. Mr. Duncan indicated that about half of the proposals are related to the issue of revenue. The Chairman thanked Mr. Duncan for his remarks.

Chairman's Remarks: The Chairman indicated that a proposed meeting schedule for 2010 has been included in the Board's information package for today's meeting. The Chairman asked everyone to review and be prepared for final action during the October Board Meeting. Ms. Crumley stated in the past the October Board Meeting has been held in conjunction with the Virginia Deer Hunters Banquet. Ms. Crumley requested the October meeting be held around the same timeframe as it is scheduled this year. Mr. Martel stated that having a later October Board Meeting does not allow the staff adequate time to prepare and distribute the Fishing Regulations in December. Staff recommends an earlier date in October.

Mr. Yates thanked the Wildlife and Boat Committee for their work.

Mr. Yates stated that he had visited Coursey Springs Hatchery and it is quite an impressive operation and the Agency commended everyone for their work on this project.

Mr. Yates stated he met with Secretary Bryant on July 15th for his quarterly meeting. Mr. Hill was also in attendance and items discussed during this time were the Quail Action Plan and the possibility of Elk Restoration in Southwest Virginia.

Mr. Yates thanked the Director for his work on developing an agreement with Tennessee on fishing in the South Holston reservoir.

Mr. Yates thanked Beth Drewery for her assistance and great work she provides during Board Meetings.

Mr. Yates addressed several issues regarding the legislative agenda and the fact that the information has not been presented to the Board. Mr. Yates wanted to know if it has been distributed to the Board and what is the process. Mr. Duncan apologized for the oversight and indicated that we are preparing the proposals for submission to the Secretary of Natural Resources no later than August 28th and we should be in a better position to talk with the Board about the proposals at the October Board Meeting. Mr. Duncan indicated that the items being considered have been discussed at various times with the Board. Mr. Duncan stated there is a timeline and process for legislative proposals and it was certainly not our intention to circumvent the Board. Mr. Duncan called upon Mr. Charlie Sledd for a further explanation. Mr. Sledd indicated that legislative initiatives are first discussed in the Education, Planning, and Outreach Committee based on what the Board and/or staff have identified that should be addressed legislatively. Guidance is received each year from the Administration regarding proposal timelines, due dates, and format. Since legislative proposals are considered Governor's Confidential Working Papers, it does become difficult to thoroughly brief the full Board about what the agency may be considering or recommending. Mr. Sledd stated if the Board has suggestions on ways to improve this process this would be helpful.

Mr. Montgomery requested advice from Counsel to see if an amendment to the Closed Session motion could be made so discussion could occur on this item during the Closed Session. Mr.

Albiston, Assistant Attorney General, stated he would be glad to see if this is exempt from FOIA but would need a current copy of the Code of Virginia. This information was made available to Mr. Albiston. Upon review, the papers themselves are exempt from FOIA.

Mr. Montgomery made the motion to amend the Agenda to discuss legislation during the closed session. Motion seconded by Ms. Crumley. Ayes: Yates, Hazel, Kozuch, Railey, Montgomery, Crumley, Burton, Pollard, Reed, Greer.

Mr. Hazel indicated that time be granted to give Counsel the opportunity to research the appropriate code section.

Mr. Yates stated he wanted his comments clearly understood that staff was not keeping information from the Board but that he was in fact caught off guard based on Mr. Duncan's remarks. He wants to make sure the Board understands the information being presented.

A general discussion was held by the Board and Staff.

At 12:00pm, the Chairman called for a five minute recess and called the meeting back to order at 12:05pm. Mr. Yates was advised by Counsel that discussion could not be held in a Closed Session regarding proposed legislation, but that information could be sent to each Board member. The Chairman directed Mr. Duncan to follow-up with the Board on this information. The Chairman thanked Counsel for his assistance at today's meeting. Mr. Hazel stated that being familiar with the process we may be able to have an open discussion at the October meeting.

At 12:08 pm, the Chairman called for the Closed Session Motion. Mr. Hazel made the following motion:

Mr. Chairman,

I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to:

Property located in the City of Virginia Beach.

And pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the Director.

Motion seconded by Ms. Crumley. Ayes: Yates, Hazel, Kozuch, Railey, Montgomery, Crumley, Burton, Pollard, Reed and Greer.

Mr. Montgomery departed at 12:15pm and Dr. William T. Greer departed at 12:40pm.

At 1:35pm, Mr. Hazel made the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Game and Inland Fisheries has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Game and Inland Fisheries hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Certification Seconded by Mr. Railey. Ayes: Crumley, Railey, Burton, Hazel, Yates, Kozuch, Pollard, Reed.

Additional Business/Comments: The Chairman asked the Board to consider a dinner on a quarterly basis prior to the Board Meeting. Mr. Hazel stated he thought that this would be a good idea for those in town. Ms. Crumley asked if it has to be noticed as a public meeting and staff indicated that it does not as long as it is a social gathering and not a business meeting of the Board. Mr. Yates thanked Mr. Reed again for his attendance today.

There being no further business the meeting was adjourned at 1:38pm.

Respectfully submitted,

Beth B. Drewery
Board Secretary